

**APPENDIX**

Sent to Governor  
(March 15, 1983)

**S.C.R. 39**

**THIRTY-SIXTH DAY**

(Wednesday, March 16, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Glasgow.

A quorum was announced present.

Associate Minister Georjean Blanton, Kessler Park Methodist Church, Dallas, offered the invocation as follows:

Gracious God, We pause for a moment from the busyness of our day to praise You and give You thanks. As we pause together, Lord, we are aware of our differences as individuals. We come from different places, with different concerns, with different hopes and with different dreams. We celebrate Your creative spirit within each of us.

As we gather, Lord, we pray that You would make us ever mindful of the awesome responsibility of the task which we share. Make us aware that in our differences we share a common cause, a common hope, a common dream. We share the dream that our world, our country, our state might be a place in which Your will is done.

Strengthen, guide and direct these persons who are elected to be Your servants. May they serve with the integrity and the justice that comes from knowing You.

We pray in the Name of Your Son and our Brother, Jesus Christ. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

**CO-AUTHOR OF SENATE BILL 23**

On motion of Senator Williams and by unanimous consent, Senator Sharp will be shown as Co-author of **S.B. 23**.

**CO-AUTHOR OF SENATE BILL 25**

On motion of Senator Truan and by unanimous consent, Senator Whitmire will be shown as Co-author of **S.B. 25**.

**CO-AUTHOR OF SENATE BILL 612**

On motion of Senator McFarland and by unanimous consent, Senator Brooks will be shown as Co-author of S.B. 612.

**CO-AUTHOR OF SENATE BILL 1108**

On motion of Senator Parmer and by unanimous consent, Senator Doggett will be shown as Co-author of S.B. 1108.

**CO-AUTHORS OF SENATE BILL 1110**

On motion of Senator McFarland and by unanimous consent, Senators Blake, Parker, Vale, Traeger and Sharp will be shown as Co-authors of S.B. 1110.

**CO-AUTHORS OF SENATE BILL 1**

On motion of Senator Sarpalius and by unanimous consent, Senators Lyon, McFarland and Parker will be shown as Co-authors of S.B. 1.

**REPORTS OF STANDING COMMITTEES**

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 683

S.B. 684

S.B. 685

S.B. 686

S.B. 687

S.B. 485

C.S.S.B. 246 (Read first time)

Senator Blake submitted the following report for the Committee on Administration:

S.C.R. 37

S.C.R. 38

S.C.R. 42

S.C.R. 44

Senator Jones submitted the following report for the Committee on Finance:

S.B. 123 (Amended)

C.S.S.B. 624 (Read first time)

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 482

C.S.S.J.R. 16 (Read first time)

C.S.S.B. 576 (Read first time)

Senator McFarland, Vice-Chairman, submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the TEXAS ALCOHOLIC BEVERAGE COMMISSION: J. A. Whittenburg III, Randall County.

To be Members of the STATE BOARD OF NURSE EXAMINERS: Mrs. Marlene A. Hudgins, Randall County; Mrs. Leo Evelyn Johnson, Nueces County; Mrs. Elizabeth Jean Pryor, Tarrant County.

To be Members of the TEXAS OPTOMETRY BOARD: Dr. Clinton M. De Wolfe, Harris County; Gary E. Griffith, Dallas County; Marilyn Kay Walls, Johnson County.

To be Members of the STATE BOARD OF PHARMACY: Mrs. Judy Taylor, DeWitt County; David Lee Franklin, Dallas County.

To be a Member of the STATE AIRCRAFT POOLING BOARD: James L. Nelson, Travis County.

To be BRANCH PILOTS, PORTS OF BRAZOS RIVER HARBOR NAVIGATION DISTRICT: Captain John W. Burns, Brazoria County; Captain Kenneth A. Gonzales, Brazoria County; Captain Mark Edwin Hicks, Brazoria County; Captain Alvin A. Miller, Brazoria County.

To be BRANCH PILOTS, PORTS OF GALVESTON COUNTY: Captain James A. Borup, Galveston County; Captain Charles R. Branch, Galveston County; Captain William R. Kern, Galveston County; Captain Edgar L. King, Galveston County; Captain George E. Pizzitola, Galveston County.

To be Members of the CRIMINAL JUSTICE DIVISION ADVISORY BOARD: Colonel James B. Adams, Travis County; Judge Barbara G. Culver, Midland County; Judge Joe Greenhill, Travis County; Leonard Hancock, Bell County; Omar Harvey, Dallas County; Judge John B. Holmes, Jr., Harris County; Judge Henry Wade, Dallas County.

To be a Member of the DISTRICT IV REVIEW COMMITTEE OF THE BOARD OF MEDICAL EXAMINERS: Armando Cuellar, M.D., Hidalgo County.

To be Members of the BOARD OF TRUSTEES, FIRE FIGHTERS' RELIEF AND RETIREMENT FUND: W. Harold Brodt, Guadalupe County; J. J. Pruitt, Harris County.

To be a Member of the BOARD OF DIRECTORS, LOWER COLORADO RIVER AUTHORITY: Charles Matus, Blanco County.

To be Members of the TEXAS BOARD OF PHYSICAL THERAPY EXAMINERS: Barbara Barton, Travis County; Henry Lynn Laird, Randall County; Diane Doehne Rath, Bexar County; Eugene C. Rembe, Galveston County.

To be Members of the TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS: Dr. Julian Biggers, Jr., Lubbock County; Edward C. Bonk, Denton County; Raul Castillo, Harris County; Yvonne L. Kohutek, Bexar County; Shirley N. Turner, Travis County; Mrs. Bettye Whitney, Dallas County; Dr. Curtis E. Wills, Jefferson County.

To be a Member of the PUBLIC SAFETY COMMISSION: William B. Blakemore II, Midland County.

To be a Member of the BOARD OF DIRECTORS, ANGELINA AND NECHES RIVER AUTHORITY: Samuel D. Griffin, Angelina County.

To be Members of the BOARD OF DIRECTORS, RED RIVER AUTHORITY OF TEXAS: John Russell Armstrong, Fannin County; Wales Madden III, Potter County; T. Austin Guest, Red River County.

To be Members of the TEXAS MERIT SYSTEM COUNCIL: William Buker, Comal County; Robert E. Edwards, Dallas County; Clarence Andrew Glass,

Travis County; Janelle McArthur, Bexar County; Edward P. Rodrigues, Maverick County.

To be Members of the TEXAS NATIONAL GUARD ARMORY BOARD: Tom E. Chapoton, Jr., Travis County; Fred Avila, Harris County.

To be Members of the TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY: Robert S. Driegert, Dallas County; Frank T. Rea, Harris County; Stanley J. Scott, Dallas County.

To be Members of the COMMISSION ON UNIFORM STATE LAWS: Richard Fairfax Dole, Jr., Harris County; Judge Patrick C. Guillot, Dallas County.

To be Members of the STATE BOARD OF NURSE EXAMINERS: Mrs. Peggy L. Brown, Harris County; Cleve Bachman, Jefferson County.

To be ASSOCIATE JUSTICE, 5th COURT OF APPEALS: Judge Annette Stewart, Dallas County.

**PENDING BEFORE THE SENATE:**

To be a Member of the BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM: Sam Barshop, Bexar County.

To be a Member of the TEXAS CREDIT UNION COMMISSION: Velma L. Brooks, Dallas County.

**GUESTS PRESENTED**

Senator Santiesteban introduced a large delegation, seated in the Gallery, from El Paso and invited the Members to the "El Paso Day" reception to be held tonight.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 16, 1983

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

**SIR:** I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 166**, Relating to the days on which emergency elections ordered by the Governor may be held and the content of an emergency election proclamation.

**H.B. 378**, Relating to the distribution of small estates on affidavit.

**H.B. 687**, Relating to the test period for marginal wells.

**H.B. 691**, Relating to the enforcement of certain vehicle weight limitations.

Respectfully,

**BETTY MURRAY**, Chief Clerk  
House of Representatives

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

On motion of Senator Brown and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 1217** by Glasgow Intergovernmental Relations  
Relating to the establishment and powers of a juvenile board in Denton County.

**S.B. 1218** by Brown Jurisprudence  
Relating to the arrest, search, and seizure powers of postal inspectors and certain other federal agents and criminal offenses involving damage to or destruction of public mail.

**S.B. 1219** by Brown Finance  
Relating to the grounds for which a taxing unit may challenge a property tax determination before an appraisal review board.

**S.B. 1220** by Brown, Sharp Finance  
Relating to the exemption from property taxation of certain property used in the commercial taking of fish and other marine animals on a local option basis.

**S.B. 1221** by Blake Administration  
Relating to the approval of certain state purchase vouchers.

**S.B. 1222** by Blake Natural Resources  
Relating to the regulation of the sale of eggs.

**S.J.R. 39** by Brown, Sharp Finance  
Proposing a constitutional amendment exempting boats and other property used in commercial fishing from ad valorem taxation on a local option basis.

**S.C.R. 50** by Whitmire Intergovernmental Relations  
Creating a special interim committee to study the issue of fire protection standards to be named the Texas Fire Protection Standards Committee.

**S.C.R. 51** by Truan Administration  
Granting Jose R. Villarreal permission to sue the State.

**S.C.R. 52** by Truan Administration  
Granting Gwendolyn Patricia Johnson permission to sue the State.

#### **GUEST PRESENTED**

The President introduced his guest, Dorothy Flisowski, Mayor of Brenham.

The Members welcomed Mayor Flisowski as their guest today.

#### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
March 15, 1983

**TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:**

Pursuant to Article III, Section 5, of the Texas Constitution, I, Mark White, Governor of the State of Texas, submit the following emergency matters for immediate consideration by the 68th Legislature, now convened:

**H.B. 761** by Presnal, relating to supplemental appropriations to Texas A&M University and to the Texas Agricultural Experiment Station to replace property destroyed by fire.

**S.B. 670** by Caperton, relating to supplemental appropriations to Texas A&M University and to the Texas Agricultural Experiment Station to replace property destroyed by fire.

**S.B. 445** by Glasgow, relating to a supplemental appropriation and a transfer of funds to the Office of the Attorney General.

**H.B. 1130** by Willis, relating to supplemental appropriations to pay the additional cost of purchased utilities at certain institutes of higher education.

Respectfully submitted,

/s/Mark White  
Governor of Texas

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
March 16, 1983

**TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

**TO BE A MEMBER OF THE TEXAS OPTOMETRY BOARD:**

For a term to expire January 31, 1989:

**BARRY J. DAVIS**

3101 Eugenia

Groves, Texas 77619

(Mr. Davis is replacing Mr. Jay N. Rogers, of Beaumont, Jefferson County, Texas, whose term expired.)

Respectfully submitted,

/s/Mark White  
Governor of Texas

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read:

Austin, Texas  
March 16, 1983

**TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:**

In accordance with the recognized procedure of the withdrawal of recess nominations by a governor (Tex. Att'y Gen. Op. 2910 January 21, 1933), I respectfully request your consent to the withdrawal of the following nominations:

**TO BE A MEMBER OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS:**

For a term to expire January 31, 1987:

**DAVID R. BRADEN** of Dallas, Dallas County, Texas.

**TO BE A MEMBER OF THE CREDIT UNION COMMISSION:**

For a term to expire February 15, 1985:

**VELMA L. BROOKS** of Dallas, Dallas County, Texas.

**TO BE A MEMBER OF THE TEXAS TURNPIKE AUTHORITY:**

For a term to expire February 15, 1987:

**RUSSELL H. PERRY**, of Dallas, Dallas County, Texas.

Respectfully submitted,

/s/Mark White

Governor of Texas

**NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**NOMINATIONS RETURNED TO GOVERNOR**

Senator Mauzy moved to grant the request of the Governor to return the nominations of David R. Braden, to be a Member of the Texas Board of Architectural Examiners; Velma L. Brooks, to be a Member of the Credit Union Commission and Russell H. Perry, to be a Member of the Texas Turnpike Authority.

The motion prevailed by the following vote: Yeas 16, Nays 14.

Yeas: Brooks, Caperton, Doggett, Edwards, Kothmann, Lyon, Mauzy, Parker, Parmer, Santiesteban, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Brown, Farabee, Harris, Henderson, Howard, Jones, Leedom, McFarland, Montford, Sarpalius, Sharp, Sims, Traeger.

Absent-excused: Glasgow.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Traeger and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Intergovernmental Relations might consider **S.B. 1210** at 9:00 o'clock a.m. tomorrow.

**SENATE RULE 103 SUSPENDED**

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider the following bills at 2:00 o'clock p.m. today:

**S.B. 1029**

**S.B. 1030**

**S.B. 1031**

**S.B. 1032**

**SENATE BILLS AND RESOLUTIONS REREFERRED**

On motion of Senator Farabee and by unanimous consent, the following bills and resolutions were withdrawn from the Committee on State Affairs and rereferred to the Committee on Finance:

**S.B. 348**

**S.B. 372**

**S.B. 419**

**S.B. 585**

**S.B. 680**

**S.B. 707**

S.B. 738  
S.B. 746  
S.B. 748  
S.B. 726  
S.B. 844  
S.B. 1087  
S.J.R. 3  
S.J.R. 8  
S.J.R. 19  
S.J.R. 24  
S.J.R. 26  
S.J.R. 34  
S.J.R. 35

#### **COMMITTEE SUBSTITUTE SENATE BILL 186 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 186**, Relating to a supplemental appropriation to the treasury department. (Submitted by Governor as an emergency)

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 186 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 186** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

#### **COMMITTEE SUBSTITUTE SENATE BILL 281 ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 281**, Relating to a supplemental appropriation to the Board of Pardons and Paroles for certain expenses associated with relocating to different office space to alleviate current overcrowded conditions. (Submitted by Governor as an emergency)

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 281 ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 281** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.



Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

#### **COMMITTEE SUBSTITUTE SENATE BILL 282 ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 282**, Relating to a supplemental appropriation to the General Land Office. (Submitted by Governor as an emergency)

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 282 ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 282** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

#### **SENATE BILL 253 ON THIRD READING**

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

**S.B. 253**, Relating to regulation of private process servers; providing penalties.

The bill was read third time and was finally passed by the following vote: Yeas 23, Nays 7.

Yeas: Blake, Brooks, Brown, Doggett, Edwards, Farabee, Harris, Howard, Jones, Kothmann, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Washington.

Nays: Caperton, Henderson, Leedom, Lyon, Sims, Whitmire, Williams.

Absent-excused: Glasgow.

#### **SENATE BILL 727 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 727**, Relating to the release of prisoners under extraordinary circumstances.

The bill was read second time.

Senator Caperton offered the following committee amendment to the bill:

Amend S.B. 727, Section 2, (c)(1), page 2, line 15 by eliminating the semicolon after the number "1965" and adding the following:

"including all inmates who have previously achieved eligibility;"

The committee amendment was read and was adopted.

Senator Caperton offered the following amendment to the bill:

Amend S.B. 727, at line 10, page 1, to read as follows:

"(2) 'Capacity' means the greatest density of prison inmates in relation to space available for inmate housing, including temporary housing, in the Texas Department of Corrections that is in compliance with standards for prison population established by the Board of Corrections, except that space available in temporary housing shall not at any time exceed that available on January 1, 1983. After January 1, 1985, space available for inmate housing shall not include temporary housing."

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 727 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 727 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Brown, Washington.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Brown.

Absent-excused: Glasgow.

#### SENATE BILL 94 ON SECOND READING

Senator Lyon asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 94, Relating to hunting and fishing and to the conservation of wildlife resources in all counties; providing penalties.

There was objection.

Senator Lyon then moved to suspend the regular order of business and take up S.B. 94 for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Brooks, Brown, Doggett, Edwards, Farabee, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer,

Santiesteban, Sarpalius, Sharp, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Caperton, Howard, Jones, Sims, Traeger.

Absent-excused: Glasgow.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend S.B. 94 on page 64 by striking Article II and substituting the following:

**“ARTICLE III**

SECTION 1. Chapter 11, Parks and Wildlife Code, is amended by adding subchapter D to read as follows:

**SUBCHAPTER D. COMMERCIAL FISHING ADVISORY COMMITTEE**

Sec. 11.051. ADVISORY COMMITTEE ESTABLISHED. (a) The commercial fishing advisory committee is established.

(b) The committee is composed of 17 members appointed by the governor. One member must be appointed from each of the following counties to represent commercial fishermen living in that county:

- (1) Aransas;
- (2) Brazoria;
- (3) Calhoun;
- (4) Cameron;
- (5) Chambers;
- (6) Galveston;
- (7) Jackson;
- (8) Jefferson;
- (9) Kenedy;
- (10) Kleberg;
- (11) Matagorda;
- (12) Nueces;
- (13) Orange;
- (14) San Patricio; and
- (15) Willacy.

The two other members of the committee must be private citizens with expertise and interest in commercial fishing.

(c) Members serve for staggered terms of four years.

(d) Members serve without compensation but are entitled to reimbursement for expenses incurred in performing their duties under this subchapter.

(e) The committee shall elect a chairman and a vice-chairman from among its members.

(f) The committee shall meet at least four times each year at the call of the chairman. The committee may meet at other times as necessary.

Sec. 11.052. ADVISORY POWERS. (a) The commission shall consult with the commercial fishing advisory committee before adopting any rules relating to the commercial fishing industry including rules concerning:

- (1) the conservation of commercial fisheries resources;
- (2) the taking of aquatic life for commercial purposes;
- (3) the processing of aquatic life for commercial purposes; and
- (4) the sale or distribution of aquatic life.

(b) The committee shall advise the commission on the impact of proposed rules relating to the commercial fishing industry.

SECTION 2. In making the initial appointments to the commercial fishing advisory committee established by Section 11.051, Parks and Wildlife Code, as

added by this Act, the governor shall designate eight members to serve until January 31, 1985, and nine members to serve until January 31, 1987. In addition, the governor shall designate one member to call and preside over the initial meeting of the committee at which time the members shall elect a chairman and a vice-chairman.

#### ARTICLE IV

SECTION 1. A person who, before the effective date of this Act, violates a provision of law repealed by Article I, Section 36 or Article I, Section 37, of this Act shall be prosecuted under the law as it existed on the day the violation occurred and that law is continued in effect for that purpose.

SECTION 2. Section 11.052, Parks and Wildlife Code, as added by Article III, Section 1, of this Act takes effect January 1, 1984. The remainder of this Act takes effect immediately.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted."

The amendment was read.

On motion of Senator Lyon, the amendment was tabled by the following vote: Yeas 16, Nays 14.

Yeas: Blake, Brown, Caperton, Farabee, Harris, Henderson, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Santiesteban, Sarpalius, Uribe, Vale.

Nays: Brooks, Doggett, Edwards, Howard, Leedom, Parker, Parmer, Sharp, Sims, Traeger, Truan, Washington, Whitmire, Williams.

Absent-excused: Glasgow.

The bill was passed to engrossment.

#### RECORD OF VOTE

Senator Blake asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### MOTION TO PLACE SENATE BILL 94 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 94 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 23, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Brooks, Brown, Doggett, Edwards, Farabee, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Caperton, Howard, Jones, Sims, Traeger, Washington.

Absent-excused: Glasgow.

#### WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 274 - By Mauzy: Commending Lee D. Herring for his service to his community.

S.R. 275 - By Sarpalius: Commending Everett Edison Masters for his service to his fellowman.

**S.R. 276** - By Brooks: Extending welcome to Ginny Grayson, Greg Grayson and Robert Grayson.

**S.R. 277** - By Blake: Extending welcome to Matthew Van Horn, Honorary Page for the Day.

**S.R. 278** - By Blake: Extending welcome to Jacob Van Horn, Honorary Page for the Day.

**S.R. 279** - By Doggett: Extending welcome to Stephanie Glusker, Honorary Page for the Day.

**S.R. 280** - By Doggett: Extending welcome to Lara Scott, Honorary Page for the Day.

### RECESS

On motion of Senator Brooks, the Senate at 12:29 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

### APPENDIX

Signed by Governor  
(March 14, 1983)

**H.B. 426** Effective immediately

Signed by Governor  
(March 15, 1983)

**S.C.R. 39**

**H.C.R. 90**

**H.C.R. 91**

**H.C.R. 95**

### THIRTY-SIXTH DAY

(Continued)

(Thursday, March 17, 1983)

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

### LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar.

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended on the bills and resolutions on the Local and Uncontested Bills Calendar so they could be considered on second reading in the order they are listed on the Calendar.

After suspending the regular order by unanimous consent, the following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

**S.B. 99** (Farabee) Relating to juvenile court orders for family counseling. (29-1) Washington "Nay" (30-0)